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ORIGINAL
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

MANUEL RAMOS
Plaintiff

1:CV-00-1957

(Judge Jones)
(Magistrate Judge Symser)

v.
MARGARET HARDEN, Warden, *et al.*
Defendants

FILED
HARRISBURG, PA

OCT 28 2002

MARY E. D'ANDREA, CLERK
Per Deputy Clerk

**MOTION FOR TRANSFER OF PLAINTIFF TO CUSTODY
OF THE UNITED STATES MARSHALL DURING PENDENCY OF LITIGATION**

To the United States District Court

NOW COMES the plaintiff, Manuel Ramos, by his counsel, Andrew J. Ostrowski, Esquire who respectfully moves this court for special relief and in support thereof avers:

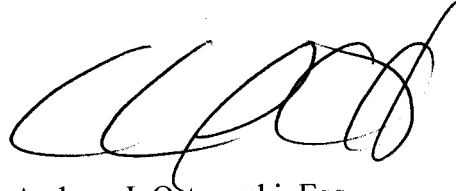
1. Plaintiff commenced this action *pro se* alleging *inter alia* that he suffered while incarcerated, medical injuries or permanent disability while under the care and supervision of the United States Dept. of Justice, Bureau of Prisons at the Lewisburg Federal Correctional Institute and subsequent prison facilities.
2. At the request and recommendation of the Magistrate Judge of this District that plaintiff in the above-entitled action was qualified for appointment of counsel under 28 U.S.C. § 1915(d), counsel entered his appearance for the plaintiff on September 13, 2002 pursuant to the *pro bono* program of the Federal Bar Association for the Middle District of Pennsylvania.
3. Plaintiff is currently in custody of the U.S. Dept. of Justice, Bureau of Prisons at the United States Penitentiary, Florence, Colorado.

4. Plaintiff, a Colombian national, is unable to converse in English.
5. Telephone calls are burdensome, cumbersome and expensive due to the time required for translation.
6. Additionally, Counsel is unable to secure evidence now within the Plaintiff's possession and which Counsel requires to obtain in order to comply with the scheduling order issued by the Magistrate Judge.
7. Counsel is unable to effectively represent Plaintiff in accordance with the Pa. Rules of Professional Conduct because such distance precludes both meaningful attorney-client communications and independent investigation of the plaintiff's claims, namely examination by counsel's medical experts to determine the nature of the plaintiff's apparent medical injuries.
8. The United States Marshal maintains custodial arrangements with various state and county correctional facilities, *inter alia*, the Cumberland County Prison in Carlisle, Pennsylvania.
9. Transfer of the plaintiff from Florence, Colorado to the Cumberland County Prison serves the interest of justice, judicial economy and effective representation because of close proximity to both counsel, his investigator, translator, and medical experts required to examine him.

Wherefore, Plaintiff prays that this Court enter an order transferring custody of the plaintiff from the U.S. Dept. of Justice, Bureau of Prisons to the United States Marshal and that the United States Marshal keep the plaintiff in custody at the Cumberland County Prison, Carlisle, Pennsylvania during the pendency of this litigation or until further order of the Court.

Dated: October 28, 2002

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. Ostrowski', with a large, stylized flourish at the end.

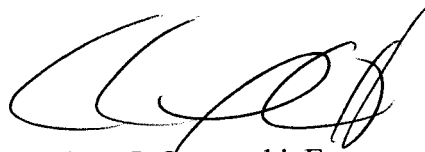
Andrew J. Ostrowski, Esq.
BAILEY, STRETTON & OSTROWSKI
Pa. Supreme Court. I.D. No. 66420
4311 North Sixth Street
Harrisburg, PA 17110-1614
717-221-9500
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF NONCONCURRENCE

Pursuant to M.D.Pa. LR 7.1, counsel sought concurrence in this Motion by Respondents who have entered their appearance, and neither counsel granted concurrence.

Dated: October 28, 2002

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. Ostrowski', with a large, stylized initial 'A'.

Andrew J. Ostrowski, Esq.
BAILEY, STRETTON & OSTROWSKI
Pa. Supreme Court. I.D. No. 66420
4311 North Sixth Street
Harrisburg, PA 17110-1614
717-221-9500
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I, Andrew J. Ostrowski, Esq. do hereby certify that on the date undersigned, I caused to be served on the following persons, a true and correct copy of this Petition and accompanying Memorandum of Law in the manner as provided below to:

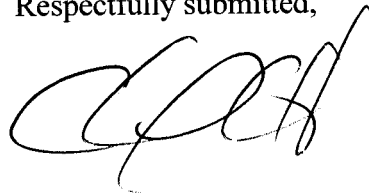
FIRST CLASS MAIL, POSTAGE PREPAID:

Matthew E. Haggerty
Assistant U.S. Attorney
316 Federal Building
240 West Third Street
Williamsport, Pennsylvania 17703
570-848-2800

David W. Saba, Esquire
Suite 113, Park Building
Kingston, Pennsylvania 18704
570-331-3100

Dated: October 28, 2002

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'A. Ostrowski', written over a horizontal line.

Andrew J. Ostrowski, Esq.
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